

the people of the United States to observe the day of June 25, 1990, as "Korean War Remembrance Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim June 25, 1990, as Korean War Remembrance Day. I ask all Federal departments and agencies, interested groups, organizations, and individuals to fly the flag of the United States at half-staff on June 25, 1990, in honor of the Americans who died as a result of service in the Korean War.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

GEORGE BUSH

**Proclamation 6151 of June 28, 1990**

**Modification of Import Restrictions for Certain  
Agricultural Products**

*By the President of the United States of America  
A Proclamation*

1. Prior to January 1, 1989, the President by various proclamations had imposed fees or quantitative limitations on the importation of certain agricultural commodities and products thereof under the authority of section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) (hereinafter section 22). Section 22 requires the President to impose fees or quantitative limitations on the importation of any article if he finds, on the basis of a recommendation by the Secretary of Agriculture and an investigation and report of findings by the United States International Trade Commission, that such fees or quantitative limitations are necessary to prevent such article from being imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, any program or operation undertaken by the Department of Agriculture with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken. Such fees and quantitative limitations imposed by the President pursuant to section 22 were set forth in part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) and are now provided for in subchapter IV of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

2. In addition, by Proclamation No. 4334 of November 16, 1974 (39 Fed. Reg. 40739), the President had established an import quota for certain sugars, syrups and molasses, to become effective on January 1, 1975, as provided for in headnote 3 to subpart A, part 10, schedule 1 of the TSUS. Subsequent proclamations have modified such quota. In issuing Proclamation No. 4334 and such subsequent proclamations, the President acted in conformity with headnote 2 to subpart A, part 10, sched-

ule 1 of the TSUS (the sugar headnote). The provisions of headnotes 2 and 3 of subpart A, part 10, schedule 1 of the TSUS are now set forth, respectively, in additional U.S. notes 2 and 3 to chapter 17 of the HTS. The current provision authorizes the President to modify any quota limitation established for certain sugars, syrups and molasses provided for in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40 and 2106.90.10 of the HTS if he finds that such modification is required or appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade (GATT).

3. Section 1204(a) of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) (19 U.S.C. 3004(a)) enacted the HTS, effective January 1, 1989. The structure and rules of interpretation of the HTS are different from the structure and rules of interpretation of the TSUS. While every effort was made to take account of these differences in the conversion to the nomenclature and structure of the HTS of import restrictions previously imposed under the authority of section 22 and in conformity with the sugar headnote, unforeseen changes occurred in the treatment of certain imported agricultural products with respect to these import restrictions.

4. Section 1211(c) of the 1988 Act (19 U.S.C. 3011(c)) provides that the President may proclaim changes in subchapter IV of chapter 99 of the HTS and in additional U.S. note 2 to chapter 17 of the HTS to conform them to part 3 of the Appendix to the TSUS and headnote 2 of subpart A of part 10 of schedule 1 of the TSUS, respectively. Such changes may be proclaimed if the President determines that conversion from the TSUS to the HTS has resulted in articles previously subject to import restrictions proclaimed pursuant to section 22, or covered by such sugar headnote, being excluded from those restrictions, or articles previously excluded from the import restrictions proclaimed pursuant to section 22, or not previously covered by such sugar headnote, being included within such restrictions.

5. I find that the conversion of import restrictions proclaimed pursuant to section 22 from part 3 of the Appendix to the TSUS to subchapter IV of chapter 99 of the HTS has resulted in certain articles previously subject to such restrictions being excluded from the restrictions and that certain other articles not previously subject to such restrictions being covered by such restrictions. Such changes in the coverage of those restrictions have occurred for the following articles: sweetened dried low fat milk classifiable in subheading 0402.10; sweetened dried whey classifiable in subheading 0404.10.40; dried yogurt classifiable in subheading 0403.10; acidified milk, dried fermented milk and milk powder containing added lactic ferments or crystalline acid classifiable in subheading 0403.90.80; edible mixtures of animal fats and vegetable oils classifiable in subheading 1517.90.40; certain fish preparations classifiable in subheadings 1604.20.05, 1605.10.05 and 1605.90.05; sugar syrups subject to section 22 fees classifiable in heading 1702; sugar confectionery not ready for consumption classifiable in subheading 1704.90.60; white chocolate classifiable in subheading 1704.90.40; filled chocolates classifiable in subheading 1806.31; certain edible preparations containing cocoa classifiable in subheadings 1806.20.80, 1806.32.40, 1806.90 and 1901.90.80; mixes and doughs classifiable in subheading 1901.20; mix-

tures of nonfat dry milk and anhydrous butterfat containing over 5.5 percent but not over 45 percent by weight of butterfat classifiable in subheading 1901.90.30; certain casein mixtures classifiable in subheading 1901.90.40; rusks and toasted bread classifiable in subheading 1905.40; mixed canned fruit classifiable in subheading 2008.92.90; sauces and sauce preparations classifiable in subheading 2103.90.60; edible ices containing cocoa classifiable in subheading 2105.00; and sherbet and other edible ice with a basis of milk or cream classifiable in subheading 2105.00. I further find that the modifications hereinafter proclaimed of the import restrictions set forth in subchapter IV of chapter 99 of the HTS are necessary and appropriate to conform that subchapter to the fullest extent possible to part 3 of the Appendix to the TSUS.

6. I find that the conversion from headnote 2 of subpart A of part 10 of schedule 1 of the TSUS to additional U.S. note 2 to chapter 17 of the HTS has resulted in an article, edible molasses classifiable in subheading 1702.90.40, that was not previously covered by such headnote being included in the coverage of the quota set forth in additional U.S. notes 3 and 4 to chapter 17 of the HTS. I further find that the modifications, hereinafter proclaimed, of additional U.S. note 2 to chapter 17 of the HTS and of the quota on the importation of certain sugars, syrups and molasses set forth in additional U.S. notes 3 and 4 to chapter 17 of the HTS are required or appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties of the GATT and to conform such quota to the fullest extent possible to the coverage of the quota previously established in conformity with headnote 2 of subpart A of part 10 of schedule 1 of the TSUS.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act and of other Acts affecting import treatment and of actions taken thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to section 1211(c) of the Omnibus Trade and Competitiveness Act of 1988, additional U.S. note 2 to chapter 17 of the HTS, and section 604 of the Trade Act of 1974, do proclaim that:

(1) The HTS is modified as provided in the annex to this proclamation.

(2) The modifications made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of June, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.

GEORGE BUSH

Annex

Modifications to the Harmonized Tariff Schedule of the United States

1. Additional U.S. notes 2, 3 and 4 to chapter 17 are modified by deleting "1702.90.40" at each occurrence.

2. The article description of subheading 9904.10.60 is modified to read:

"Malted milk, and articles of milk or cream (except (a) yogurt that is not in dry form, (b) fermented milk other than dried fermented milk or other than dried milk with added lactic ferments, (c) mixtures of nonfat dry milk and anhydrous butterfat containing over 5.5 percent but not over 45 percent by weight of butterfat, and (d) ice cream), all the foregoing provided for in subheadings 0402.99.60, 0403.10.00, 0403.90.80, 0404.90.20, 1901.10.00, 1901.90.30, 2105.00.00 and 2202.90.20."

3. Subheading 9904.10.63 is modified by striking out "1806.20.80,".

4. The article description of subheading 9904.10.66 is modified to read:

"Chocolate, provided for in subheadings 1806.20.40, 1806.32.20 and 1806.90, and low fat chocolate crumb, provided for in subheadings 1806.20.80 and 1806.90, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):"

5. The article description of subheading 9904.10.75 is modified by replacing the text following "imported;" with the following:

"all the foregoing mixtures provided for in subheadings 0402.10, 0404.10.40, 0404.90.60, 1517.90.40, 1704.90.40, 1704.90.60, 1806.20.80, 1806.32.40, 1806.90, 1901.20, 1901.90.80 and 2106.90.05, except articles within the scope of other import restrictions provided for in this subchapter."

6. The superior text to subheading 9904.10.78 and 9904.10.81 is modified to read:

"Articles containing over 5.5 percent by weight of butterfat, the butterfat of which is commercially extractable, or which are capable of being used for any edible purpose (except (a) articles provided for in headings 0401, 0402, 0405 or 0406 or subheadings 1901.10 or 1901.90.30 other than mixtures of nonfat dry milk and anhydrous butterfat containing not over 45 percent by weight of butterfat classifiable for tariff purposes under subheading 1901.90.30; (b) dried mixtures containing less than 31 percent by weight of butterfat and consisting of not less than 17.5 percent by weight each of sodium caseinate, butterfat, whey solids containing over 5.5 percent by weight of butterfat, and dried whole milk, but not containing dried milk, dried whey or dried buttermilk any of which contains 5.5 percent or less by weight of butterfat; and (c) articles which are not suitable for use as ingredients in the commercial production of edible articles):"

7. The article description of subheading 9904.10.81 is modified to read:

"Over 5.5 percent but not over 45 percent by weight of butterfat including mixtures of nonfat dry milk and anhydrous butterfat classifiable for tariff purposes under subheading 1901.90.30 and other articles classifiable for tariff purposes under subheading 0404.90.40, 0404.90.60, 1517.90.40, 1704.90.40, 1704.90.60, 1806.20.80, 1806.32.40, 1806.90, 1901.20, 1901.90.40, 1901.90.80, 2105.00, 2106.90.40 or 2106.90.50"

8. The superior text to subheadings 9904.40.20 and 9904.40.40 is modified by deleting "heading 1702 or in".

9. Subheading 9904.50.40 is modified by deleting "1806.31," and "1905.40, 2008.92.90,".

10. The article description of subheading 9904.60.60 is modified to read:

"Provided for in subheading 1704.90.60, 1806.20.70, 1806.20.80, 1806.90, 1901.90.80, 2101.10.40, 2101.20.40, 2103.90.60 or 2106.90.50, except cake decorations and similar products to be used in the same condition as imported without any further processing other than the direct application to individual pastries or confections; finely ground or masticated coconut meat or juice thereof mixed with those sugars; and sauces and preparations therefore."